

REMARKS/ARGUMENTS

In the Office Action mailed February 5, 2008 (hereinafter, "Office Action"), claim 22 is objected to. Claims 1-33 stand rejected under 35 U.S.C. § 102. Claims 1, 3, 9, 11, 12, 14, 20, 22, 23 and 26 have been amended. Claims 8 and 19 have been canceled. Claim 34 has been added.

Applicants respectfully respond to the Office Action.

I. Objection to Claim 22

Claim 22 was objected to because of informalities. Claim 22 has been amended to address this objection. Accordingly, Applicants respectfully request that the objection to claim 22 be withdrawn.

II. Claims 1-33 Rejected Under 35 U.S.C. § 102(b)

Claims 1-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0082029 to Ahmad et al. (hereinafter, "Ahmad"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaa Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1, as amended, recites "receiving a notification from a voice message server at the wireless communications device." (Emphasis added.) Ahmad does not disclose this claim subject matter. Ahmad states the following:

Whenever an HMS is in a data call, meaning that it is engaged in an active lxEOD session, and a calling party is attempting to establish a voice call with the user of the HMS, there are several possibilities for advising the user of the HMS that it is receiving a voice call. One option is to notify the user of the HMS by way of an Internet Call-Waiting Server such as ICDS 238. The Internet Call-Waiting Server 238 delivers data to the HMS 216 over the Internet and then from the ANC to the

HMS over a wireless communication link in the form of packet data that has been originated from the Internet.

To achieve this, using conventional Internet Call-Waiting Servers (ICWSs), the user of the HMS must be a subscriber of such service and typically must register over the Internet with the ICWS for the Internet call-waiting notification. In one embodiment of the invention, the MSC forwards an incoming voice call to the Internet Call-Waiting Server whenever it determines that the HMS is in a data call. The Internet Call-Waiting Server would then notify the subscriber via the Internet and wireless communication link between the ANC and the HMS that a voice call (e.g., 1xRTT network call) is waiting. The subscriber may then choose to accept the voice call as a voice over IP call, suspend the data session with the data network (e.g., 1xEDO) and transition to a voice (e.g., 1xRTT) mode to receive and respond to pages and to accept the call or reject the call.

Ahmad, paragraphs [0038]-[0039].

As shown, Ahmad discloses that a notification is sent from an “Internet Call-Waiting Server.” Ahmad refers to the ICDS 238 when referring to the Internet Call-Waiting Server (“an Internet Call-Waiting Server such as ICDS 238”). (Ahmad, paragraph [0038].) Ahmad’s ICDS is an “Internet Call Delivery Server.” (Ahmad, paragraph [0023].) In describing the ICDS, Ahmad explains that “[a]s is known by those skilled in the art, the ICDS can provide, among other services, a call-waiting type indication to the user participating in a data call to enable him or her to switch over to the voice call.” (Ahmad, paragraph [0055].) Thus, Ahmad, as best understood, discloses a notification being sent from an “Internet Call-Waiting Server” or an “Internet Call Delivery Server”, and not “from a voice message server” as recited in claim 1.

Ahmad also discusses a voice mail server, which is not part the “Internet Call-Waiting Server” or the “Internet Call Delivery Server”. From various portions of this prior art reference, it is clear that Ahmad considered a voice mail server as separate and distinct from the “Internet Call-Waiting Server” or the “Internet Call Delivery Server”. For example, Ahmad states “the base station either pages the hybrid mobile station to establish the voice call, forwards the call to voice mail, or forwards the call either to an Internet Call Delivery Server or to an Internet Call-Waiting Server for further processing.” (Ahmad, paragraph [0010].) Later, Ahmad further illustrates that a voice mail system is a separate system when it states “other embodiments of the invention include, according to a subscriber profile for HMS 304, to merely forward the voice call to a voice mailbox system or to set up specialized interfaces to enable the ANC and HMS to

communicate regarding what should be done with the voice call that is to be set up.” (Ahmad, paragraph [0048].)

Ahmad further continues recognizing the separate and distinct nature of the voice mail server when it explains “[i]f the BSC/BTS either receives the response of step 620 or of step 624, then according to a subscriber profile for the specified HMS, the MSC would forward the call either to an Internet Call-Waiting Server or directly to a voice mail server for processing in specified manners.” (Ahmad, paragraph [0057].) Thus, as shown, Ahmad does disclose “receiving a notification from a voice message server at the wireless communications device,” as recited in claim 1.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from Ahmad. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn because Ahmad does not disclose all of the subject matter of claim 1.

Claims 2-7 and 9-11 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-11 be withdrawn.

Claims 12, 23, 24 and 29 include subject matter similar to the subject matter of claim 1. Accordingly, Applicants respectfully request that the rejection of claims 12, 23, 24 and 29 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 13-18 and 20-22 depend either directly or indirectly from claim 12. Claims 25-28 depend either directly or indirectly from claim 24. Claims 30-33 depend either directly or indirectly from claim 29. Accordingly, Applicants respectfully request that the rejection of claims 13-18, 20-22, 25-28 and 30-33 be withdrawn.

III. New Claim 34

Claim 34 has been added. Applicants submit that claim 34 is fully supported by Applicants’ specification. Claim 34 includes subject matter similar to the subject matter described hereinabove. As such, Applicants submit that claim 34 is patentable for at least the same reasons as those previously described.

Application No. 10/643,604
Amendment dated July 7, 2008
Reply to Office Action of February 5, 2008

CONCLUSION

In view of the foregoing, Applicants respectfully submit that all pending claims in the present application are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: July 7, 2008

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